IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1592 of 2005

Between:

Boya anjanaiah, S/o. Anjanaiah,
Chinna Thumabalam Village, Peddakadabur Mandal,

Kurnool District.

..... PETITIONER

AND

1 The Superintending of Engineer, A.P. Transco, Kurnool.
2 The Asst. Accounts Officer, Electricity Revenue Office, A.P.

Transco, Yemmiganur, Kurnool District.
3 The Asst. Divisional Engineer, Operation, APCPDC Ltd.,

Yemmiganur, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in disconnecting elect4ricity connection of petitioners floor mill bearing ISC No.349 and demanding alleged short fall without reassessing alleged short fall during meter struck up period , as illegal and arbitrary and consequentially direct the respondents to restore electricity connection to the petitioners floor mill bearing ISC No.349.

Counsel for the Petitioner : MR.B.VIJAYA BHASKER

Counsel for the Respondents: MR.V.AJAYAKUMAR

The Court at the admission stage made the following :

ORDER:

The petitioner was issued a notice, dated 29.10.2001 pointing out that during the internal audit, it was pointed out that an amount of Rs.27,446/- is due from the petitioner, on account of the fact that the meter was struck up and that there was under-billing. On receiving the same, the petitioner addressed a letter, dated 19.01.2002 stating that the facts narrated in the notice, dated 29.10.2001 are incorrect. On a consideration of the same, the Assistant Divisional Engineer, 3rd respondent, addressed a letter, dated 31.01.2002 to the petitioner to the effect that a detailed enquiry will be conducted and a revised assessment order will be given to the petitioner and that till such time, the power supply shall be allowed to him on payment of regular C.C. charges. The complaint of the petitioner is that inspite of the same, the respondents have disconnected the power supply, on the ground that the amount contained in the notice, dated 29.10.2001, has not been paid.

Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.

From a perusal of the letter, dated 31.01.2002, it is clear that the 3rd respondent found merit in the representation made by the petitioner and took the view that an enquiry will be conducted, and thereafter a revised assessment order would be issued to the petitioner. It was also pointed out that the petitioner would be allowed to pay regular C.C. charges and avoid disconnection. It is not the case of the respondents that any enquiry was conducted or any revised assessment order was issued to the petitioner after 31.01.2002. Hence, there is absolutely no justification on the part of the respondents in disconnecting the power supply to the petitioner.

Therefore, the writ petition is allowed and it is directed that the respondents shall restore and continue the power supply to the petitioner, on payment of regular consumption charges. It shall be open to the respondents to levy any additional amount on the petitioner, only after conducting enquiry and issuing notice. There shall be no order as to costs.

14.02.2005

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To

1 The Superintending of Engineer, A.P. Transco, Kurnool.
2 The Asst. Accounts Officer, Electricity Revenue Office, A.P.

Transco, Yemmiganur, Kurnool District.
3 The Asst. Divisional Engineer, Operation, APCPDC Ltd.,

Yemmiganur, Kurnool District.

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